

AG Contract No. KR00-2257TRN
ECS File No: JPA 00-191 Amendment One
Project: HX091 01C
Section: SR-69 @ Kachina Place
(MP 281.8)

AMENDMENT NO. ONE (1)
INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE STATE OF ARIZONA
AND
YAVAPAI COUNTY, ARIZONA

THIS AGREEMENT is entered into February 5, 2003, of Amendment to JPA 00-191, AG Contract No. KR00-2257TRN signed 07 June 2001, filed with the Secretary of State under No. 24680, pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and the YAVAPAI COUNTY, acting by and through its BOARD OF SUPERVISORS (the "County").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes Section 28-401 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.

2. The County is empowered by Arizona Revised Statutes Section 11-251 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the County.

3. The safety study completed for the above referenced agreement determined the traffic signal at the intersection of SR 69 and Kachina Place, the "Project", now qualifies for 100% federal safety funds and warrants an Amendment to this agreement. The Project has been designated as a State project, with participation from the County for the cost of electrical. All other terms and conditions of the original Agreement remain the same, except as changed herein.

THEREFORE, in consideration of the mutual agreements expressed herein, JPA 00-191 is amended and agreed to as follows:

II. SCOPE OF WORK

Item II. 1. b. and c. are replaced in full as follows:

1. The State will:

b. Upon approval and by resolution of the State Transportation Board, call for bids and award one or more construction contracts for the Project. Administer same and make all payments to the contractor(s). Be responsible for any contractor claims for extra compensation due to delays or whatever reason attributable to the State.

NO. 24680 #01
Filed with the Secretary of State
Date Filed: 02/05/2003

Genie K. Brewer
Secretary of State

By: Vicky D. Graenewald

c. Upon completion of the Project request federal funds @ 100%, for the design and construction, construction engineering and administration costs of the Project, in an amount currently estimated at \$220,000.00.

Item II. 2. b. and c. are replaced in full and d. becomes c., as follows:

2. The County will:

b. Be responsible for any cost increases, and for any contractor claims for extra compensation due to delays or whatever reason attributable to the County.

c. Upon completion and acceptance of the Project, provide funding in the County's annual budget, to pay for electrical energy costs to operate the signal. Grant the State a perpetual right of entry to access outside the State right-of-way, as required to perform maintenance to the Project and ancillary equipment.

Miscellaneous Provisions in the original Agreement remain in full force and effect.

III. MISCELLANEOUS PROVISIONS RELATED TO THIS AMENDMENT

6. All notices or demands upon any party to this Amendment shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation
Joint Project Administration
205 South 17 Avenue, Mail Drop 616E
Phoenix, AZ 85007
Fax: (602) 712-7424

Yavapai County
County Manager
1015 Fair Street
Prescott, AZ 86301

7. Attached hereto and incorporated herein is the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this Amendment and that the Amendment is in proper form.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

YAVAPAI COUNTY, ARIZONA

STATE OF ARIZONA
Department of Transportation

By 
LORNA STREET, Chairwoman
Board of Supervisors

By 
MICHAEL P. MANTHEY, P.E.
State Traffic Engineer

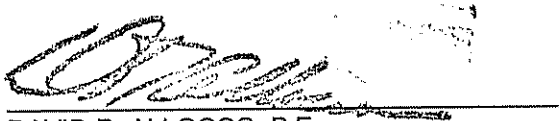
ATTEST

By 
BEV STADDON, Clerk of the Board

RESOLUTION

BE IT RESOLVED on this 5th day of February, 2002, that I, the undersigned VICTOR M. MENDEZ, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Intermodal Transportation Division, to enter into an agreement amendment with the County of Yavapai, for the purpose of amending the responsibilities for the design, construction, operation and maintenance of a new warranted traffic signal at the intersection of SR-69 and Kachina Place (MP 281.8), for the benefit and safety of the traveling public.

Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted to the State Traffic Engineer for approval and execution

A handwritten signature in dark ink, appearing to read 'David R. Allocco', is written over a horizontal line.

DAVID R. ALLOCCO, P.E.
Assistant State Engineer
Engineering Technical Group

for VICTOR M. MENDEZ, Director

**CERTIFIED COPY OF ENTRY IN OFFICIAL MINUTES
OF THE YAVAPAI COUNTY BOARD OF SUPERVISORS**

YAVAPAI COUNTY)
) ss.
ARIZONA)

Bev Staddon, having been first duly sworn, deposes and says:


I am the duly appointed, qualified and acting Clerk of the Yavapai County Board of Supervisors and in such capacity under the provisions of ARS §11-241 am charged with the responsibilities, among others, of recording all proceedings of the Board and maintaining custody of such records of the Board as are required by law to be maintained. Among the records of which I have custody is the official minute book of the Board of Supervisors which under the provisions of ARS §11-217 is required to be made and kept.

Set forth below is a copy of an entry in the aforesaid minute book of which, as aforesaid, I am the officer having the legal custody. This is my certificate under the provisions of Rule 44(A), Rules of Civil Procedure, and the Uniform Business Records Act, that the said copy is a true and correct copy thereof, to which I attest by my signature subscribed hereunto:

Date of meeting of which the minutes are a record: February 19, 2002.

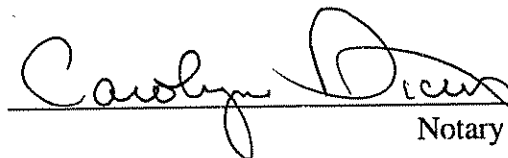
The entry in the said minutes:

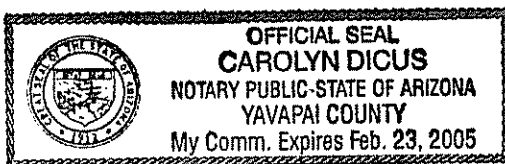
Consider approval of Amendment One to Intergovernmental Agreement JPA 00-191 with the Arizona Department of Transportation for the construction of a signal at the intersection of State Route 69 and Kachina Place in the Dewey area. Approved by unanimous vote. Motion by Supervisor Brownlow, second by Supervisor Davis.


Bev Staddon, Clerk

SUBSCRIBED AND SWORN to before me March 4, 2002.

My Commission Expires:

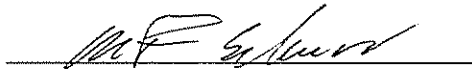

Notary Public



APPROVAL OF THE COUNTY OF YAVAPAI ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, INTERMODAL TRANSPORTATION DIVISION, and the COUNTY OF YAVAPAI and declare this amendment to be in proper form and within the powers and authority granted to the County under the laws of the State of Arizona. No opinion is expressed as to the authority of the State to enter into this agreement.

DATED this 15th day of November, 2002.



County Attorney



OFFICE OF THE ATTORNEY GENERAL
STATE OF ARIZONA

TERRY GODDARD
ATTORNEY GENERAL

CIVIL DIVISION
TRANSPORTATION SECTION
WRITER'S DIRECT LINE: 602.542.8855

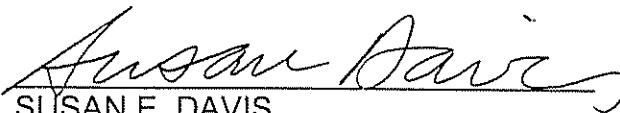
INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A.G. Contract No. KR00-2257TRN (**JPA 00-191 Amendment One**), an Agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the Undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining Parties, other than the State or its agencies, to enter into said Agreement.

DATED January 28, 2003.

TERRY GODDARD
Attorney General


SUSAN E. DAVIS
Assistant Attorney General
Transportation Section